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16 Attorneys for Cosmos Granite (West), LLC

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF OREGON

19 In re

20 Wall to Wall Tile & Stone, LLC (TIN 9732),
21 Wall to Wall Tile & Stone-Oregon LLC
22 (TIN 1863), and Wall to Wall Tile & Stone-
23 Idaho LLC (TIN 94310),

24 Debtors.

25 Case No. 19-32600-dwh11
LEAD CASE

26 (Jointly Administered with Case Nos. 19-
32599-dwh11 and 19-32603-dwh11)

**REPLY BY COSMOS IN SUPPORT OF
ITS MOTION FOR RELIEF FROM STAY**

Related to Doc 125

27 COMES NOW Cosmos Granite (West), LLC (“Cosmos”), and replies in support of its
28 motion for an order under 11 U.S.C. § 362(d)(1) (“Motion”) granting to Cosmos relief from the
29 automatic stay of 11 U.S.C. §362(a)(3) to enforce a third party document subpoena (“Subpoena”)
30 served by Cosmos on Debtors pre-petition in the case of *Cosmos Granite (West), LLC v.*
31 *Venkateswara Rao Are*, pending in King County Superior Court under Case No. 18-2-19279-0
32 (KNT) (“Are Lawsuit”), to which Debtors have not responded, by granting Cosmos access to
33 documents that Cosmos obtained during discovery in *Cosmos Granite (West), LLC v. Wall to*

34 Case No.: 19-32600-dwh11
35 REPLY BY COSMOS IN SUPPORT OF ITS MOTION FOR
36 RELIEF FROM STAY - 1

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1 1 Wall Tile & Stone, LLC, King County Superior Court Case No. 17-2-20765-9 KNT (“Wall to
2 2 Wall Lawsuit”) that Cosmos had loaded onto a © *Relativity* electronic discovery document
3 3 review platform (collectively, “Documents”), and which are the subject of the pending Motion
4 4 by Cosmos under Sections 542(e) and 1103(c)(2) filed on 8/14/19 under Doc 107..

5 1. Debtors do not dispute that cause exists for relief from stay and they do not
6 dispute that there are Documents on the © *Relativity* platform responsive to the Subpoena. Yet,
7 they do not want to use the © *Relativity* platform themselves, or let Cosmos use the platform, to
8 find the responsive documents. Instead, they want Cosmos to shut down the © *Relativity*
9 platform and destroy the Documents.

10 2. Debtors do not dispute that they were served with the Subpoena but have not
11 responded to it, and that trial is imminent in the Are Lawsuit where the documents are needed.

12 3. Debtors do not dispute that there are approximately 53,000 Documents, of about
13 103,000 pages, on the © *Relativity* platform, from which a response to the Subpoena can be
14 assembled.

15 4. Debtors do not dispute that the © *Relativity* platform has an extremely robust
16 search functionality, and that the Documents responsive to the Subpoena can be easily located
17 and viewed, and searched, filtered, reviewed and categorized.

18 5. Debtors do not dispute that there is a Protective Order in effect in the Are Lawsuit
19 to protect the produced Documents.

20 6. Debtors do not dispute that there is no harm or cost to Debtors or the bankruptcy
21 estate in allowing Cosmos to search the © *Relativity* platform for the documents responsive to
22 the Subpoena and to use them in the Are Lawsuit subject to the Protective Order.

23 7. Cause for relief from stay exists for each of the reasons that are not disputed by
24 Debtors.

1 8. If Debtors wish themselves to search the © *Relativity* platform for the Documents
2 responsive to the Subpoena, and promptly comply with the Subpoena, then Debtors should
3 commit to do that. Otherwise, Cosmos should be granted relief from stay to accomplish the task.

4 WHEREFORE, Cosmos respectfully states cause exists for the Court to grant the Motion
5 for relief from stay.

6 DATED this 13th day of September, 2019.

7 FOX ROTHSCHILD LLP

8
9 By: /s/ Joseph E. Shickich, Jr.
10 Joseph E. Shickich, Jr. WSBA #8751
11 Michael A. Sweet, CAB #184345
12 Wendy E. Lyon, OSB #162408
13 Attorneys for Cosmos Granite (West), LLC

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Case No.: 19-32600-dwh11
REPLY BY COSMOS IN SUPPORT OF ITS MOTION FOR
RELIEF FROM STAY - 3

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CERTIFICATE OF SERVICE

Veronica I. Magda declares:

1. I am an employee of Fox Rothschild LLP, which represents Cosmos Granite (West), LLC. I am over the age of 18 and am competent to make this Declaration.

2. On September 13, 2019, I electronically filed the REPLY BY COSMOS IN SUPPORT OF ITS MOTION FOR RELIEF FROM STAY.

3. Also, on September 13, 2019, I caused copies of the forgoing document to be sent via U.S. Mail – First Class to the following:

Tyler Kruckenberg
28700 NE Lewisville Hwy
Battle Ground, WA 98604

ODR Bkcy.
955 Center St NE
Salem, OR 97301-2555

4. It is my understanding that the CM/ECF System will send notifications of this filing to all parties listed in this case to receive notice electronically.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 13th day of September, 2019 at Seattle, Washington.

/s/ Veronica Magda
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Case No.: 19-32600-dwh11
**REPLY BY COSMOS IN SUPPORT OF ITS MOTION FOR
RELIEF FROM STAY - 4**

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